

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **DPW**

DATE: JANUARY 31, 2007

Committee Members Present:

Supervisors Belden
Bentley
Haskell
Mason
Stec
Geraghty
Merlino

Others Present:

William Lamy, Superintendent, Dept. of
Public Works
John Farrell, Director of Natural Disaster
and Civil Defense
William Thomas, Chairman
Joan Parsons, Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk
Supervisor Caimano
Supervisor F. Thomas
Supervisor Gabriels
Hal Payne, Administrator of Westmount
Health Facility and Countryside Adult
Home
James Hunt, Tree Care by Stan Hunt
Daniah Cornell, Deputy Purchasing Agent
Carlene Ramsey, Sr. Legislative Office
Specialist

Mr. Belden called the meeting to order at 9:30 a.m.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

Privilege of the floor was extended to William Lamy, Superintendent of the Department of Public Works (DPW), who distributed an Agenda packet to each of the Committee members and a copy is on file with the minutes.

Mr. Lamy requested an executive session to discuss the employment history of a particular individual.

Motion was made by Mr. Geraghty, seconded by Mr. Haskell and carried unanimously to declare executive session pursuant to Section 105(f) of the Public Officers Law at 9:31 a.m.

The Committee reconvened at 9:40 a.m. and Mr. Belden stated that no action was taken as a result of executive session.

Mr. Lamy referred to Item 1, listed under Tab 2 of the Agenda packet, relating to personnel requests. Mr. Lamy explained that the first request was to reclassify a

position in the Sign Shop, currently listed as an MEO (Machine Equipment Operator) -Light position. He continued to explain the job description and duties for that job title had been sent to the Personnel Department for review to determine if that was an appropriate title. Mr. Lamy furthered that the Personnel Department determined that based on the review of the job duties, the correct job title should be that of a Sign Maintenance Worker.

Mr. Lamy explained that the Sign Shop was composed of two components; a field component and an office component. He summarized that the employee in that position was responsible for the office component which involved all of the record keeping. He explained that the particular individual was in the process of computerizing the record keeping of the Sign Shop, as well as training the other two employees in that department, due to recent retirements.

Mr. Lamy further explained that the Sign Shop was one of the most important components of the DPW operation. He stated it was the first line of defense to the County in matters of litigation. He went on to state that the function of that employee was an integral part of the Sign Shop operation. Mr. Lamy noted that he had reviewed this request with the Commissioner, as well as with the Chairman of the DPW Committee and both of them supported this recommendation.

Mr. Belden asked Mr. Lamy if he thought this employee would request retroactive pay for the reclassified title and Mr. Lamy responded that he did not believe that would be an issue.

Motion was made by Mr. Geraghty, seconded by Mr. Stec and carried unanimously to approve the request to reclassify the position of Sign Maintenance Worker and to forward same to the Personnel Committee. A copy of the Request to Reclassify Position is on file with the minutes.

Mr. Lamy referred to Tab 2b of the Agenda packet which was a request to fill the vacant position of an MEO (Machine Equipment Operator) - Medium due to promotion. He explained that Tab 2c was also a request to fill the vacation position of MEO - Medium due to resignation.

Mr. Lamy continued to Tab 2e of the Agenda packet which referred to a request to fill the vacant position of Director of Civil Defense, due to retirement. Mr. Lamy said that his recommendation was to appoint Marv Lemery to fill the position. Mr. Belden asked what the salary would be for that position and Mr. Lamy said that had not been decided.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously authorizing Mr. Belden, Mr. Lamy and Mrs. Parsons to set the salary and forward their recommendation to the Personnel Committee.

Mr. Caimano advised the Committee that in the initial conversation with Mr. Lemery, he indicated he would agree to no salary. He also pointed out that \$20,000 had been discussed as a stipend for both the Director of Civil Defense position and the Fire Coordinator, both to be assumed by Mr. Lemery.

Mr. Lamy commented that he was not certain at the time whether the two vacant MEO-Medium positions would be filled by current employees or if he would hire from the existing list of candidates. It was possible that an MEO Light candidate could be selected to fill the current vacancies and then he would need to backfill that position. Mr. Lamy expressed that in the event that current employees were selected from the department to fill the vacant positions, he did not want to have to wait another month to fill those positions; therefore, Tab 2d was a request to fill a vacant position of MEO - Light.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to approve Items Tab 2b through Tab 2d, as presented and forward same to the Personnel Committee. Copies of the various resolution request forms are on file with the minutes.

Mr. Lamy continued with Item 4 and requested that John Farrell, Director of Natural Disaster and Civil Defense, discuss the Red Cross Proposal.

Mr. Farrell explained that the Red Cross was seeking money from various counties and had requested that \$15,000 per year be put into the County's Budgets to expand the programs within the County. He continued that the Red Cross is very important to our community, particularly with regards to natural disasters. He said he did not feel that it was necessary to commit \$15,000 per year as a line item in the budget, but perhaps a one-time contract to help with the emergency planning could be considered.

Mr. Belden stated that the Budget was approved for 2007, so this proposal would not be possible until 2008. Mr. Farrell commented that it should be considered for 2008. Mr. Caimano stated he believed the request was referred to County Attorney, Paul Dusek for review.

Mr. Lamy explained that per Mr. Dusek, the County could not make a donation; the funding would have to be in the form of a contract so that the Red Cross would continue to provide their services. Mr. Farrell informed the Committee the Red Cross was mandated to provide these services by the Federal Government.

Mr. Lamy asked the Committee if they would like him to refer the issue to the new Director of Civil Defense to be considered during the Budget discussion.

Mr. Stec stated the memo from Mr. Dusek that was sent to Mr. Farrell was dated December 27, 2007 and read 2006. He requested that this correction be noted on the record for future reference.

Mrs. Parsons asked that when the above matter is presented, that other organizations that deal with disaster preparedness be looked at. Mr. Haskell suggested the matter be sent to the Budget Committee to be reviewed in the Fall of 2007 for the following year.

Motion was made by Mr. Haskell, seconded to Mr. Stec and carried unanimously to refer the request from The Red Cross to the Budget Committee for further review.

Mr. Lamy referred to Tab 5, a request for travel for Amy Manney to attend the New York State Emergency Management Association (NYSEMA) conference on February 20-22, 2007. He stated there may be grant funds available to offset the costs for this request.

Mr. Farrell explained there are two conferences that the Emergency Managers attend. The first is the NYSEMA conference and the second is the Disaster Preparedness Conference, and he noted, the Emergency Manager must attend the Disaster Preparedness Conference.

Messrs. Wm. Thomas and Caimano left the meeting at 9:56 a.m.

Mr. Lamy explained that with Mr. Farrell's impending retirement, it was important that Mrs. Manney attend this conference so that she would understand the issues at hand, as they change continuously. He mentioned he felt Mr. Lemery would agree that she should attend this conference.

Mr. Stec mentioned he did not have a problem with the cost of \$250 for Mrs. Manney to attend the above conference located in Binghamton, N.Y. Mr. Lamy confirmed the cost included the hotel accommodations, as well. He also stated the costs involved could be taken from LEPC (Local Emergency Planning Commission) grant money they had received.

Motion was made by Mr. Stec, seconded by Mr. Mason and carried unanimously to approve the request for travel as outlined above, providing that grant money could be used to cover the expenses. Mr. Haskell stated the Budget Officer was requested to cut the Budget for travel expenses and the Committee should support that decision.

Mr. Lamy continued with Tab 6, a Resolution Request to raise amend the 2007 Budget due to accept grant funds in the amount of \$18,990.90 to be used for emergency services.

Mr. Geraghty left the meeting at 9:59 a.m.

Mr. Farrell explained the money could be used at the County's discretion for emergency services only. Mr. Farrell suggested that one idea would be to set up a kitchen area with necessary appliances and including an emergency phone system to assure the

continuity of government should an emergency occur.

Motion was made by Mr. Haskell, seconded by Mr. Mason and carried unanimously to amend the 2007 Budget as outlined above and refer same to the Finance Committee. A copy of the request to amend the County budget is on file with the minutes.

Mr. Lamy publically thanked Mr. Farrell for all he had done for the County. He stated Mr. Farrell will be greatly missed. Mr. Belden extended his appreciation, as well. Mr. Farrell stated his last day would be February 27, 2007.

Mr. Farrell left the meeting at 10:01 a.m.

Mr. Lamy went on to Tab 7, a Resolution Request to increase the price of diesel fuel to users of the County system by four and a half cents. He explained the reason for the request was because the lower sulfur diesel fuel required additives to increase the lucidity in the fuel. He stated it was currently being purchased and added to the fuel.

Motion was made by Mr. Haskell, seconded by Mr. Mason and carried unanimously to approve the request as outlined above and authorize the necessary resolution for the next Board meeting. A copy of the request form is on file with the minutes.

Mr. Belden left the meeting at 10:02 a.m. and returned at 10:03 a.m.

Mr. Lamy continued with Tab 8, a Resolution Request to award the contract for tree removal services (WC113-06) to Green Thumb Nursery, Inc. of Fort Ann, N.Y. He stated the bid was reviewed and Green Thumb Nursery was the low bidder that met all bid specifications.

Mr. Caimano entered and Mrs. Parsons left the meeting at 10:04 a.m.

Mr. Lamy said the question had been raised as to whether this company could perform the work and carry out the bid as stated. Therefore, Mr. Lamy explained, he directed the Deputy Superintendent of DPW and the Director of Engineering to view the operation of Green Thumb Nursery and inspect their equipment. Mr. Lamy said they reported to him that this firm could carry out the bid, as described. Mr. Belden asked if that was a one year bid and Mr. Lamy replied affirmatively, with the option to renew.

Discussion ensued.

Motion was made by Mr. Haskell, seconded by Mr. Mason to approve the request to contract with Green Thumb Nursery, Inc. for tree removal services.

James Hunt, President of Tree Care by Stan Hunt, Inc., distributed a letter to members of the committee, a copy of which is on file with the minutes. Mr. Hunt asked that he be allowed to address the committee before this request was acted upon. Mr. Hunt

said he was certain most of the committee was aware of the custom to renew the contract for tree care each year and at the last DPW Committee meeting, a motion was made to renew the contract with Tree Care by Stan Hunt. However, he said, Mr. Belden commented that Jim Hunt had personally disappointed several municipalities within the County. As a result, he said the committee had decided to re-bid the services rather than renew the contract. Mr. Hunt noted that the two firms that bid on the contract last year were Tree Care by Stan Hunt and Green Thumb. The low bidder was Green Thumb; however, he added, they were disqualified in the bid process and Tree Care by Stan Hunt was awarded the contract for 2006.

Mr. Hunt said it was his understanding that the Purchasing Department contacted the DPW Superintendent's Office and asked if he recommended the contract be renewed, and he did and the renewal was signed and returned to the County. Mr. Hunt stated he was told subsequent to the meeting, that they had decided to rebid the contract. Mr. Hunt referred to specific language in the bid documents which stated that, if at any time, the contractor was not performing, it was duty of the Superintendent of Public Works to remove the Contractor. Mr. Hunt said he was not aware of any problems that occurred in 2006 and the problems that occurred in prior years had been addressed in 2006.

Mr. Hunt said he had been informed by Mr. Remington, the Superintendent of Public Works in 2006, that if Tree Care by Stan Hunt was not getting enough money for their services, that was their problem.

Mr. Hunt continued by stating that prices had been cheaper in the past because the contractors had put it in as fill-in work and Mr. Remington made it extremely clear that he did not want it to be fill-in work, so the prices were raised. He wanted to inform the Committee that he would be surprised to find that at the time of the bid, that Green Thumb Nursery, Inc. was in compliance with ownership of the equipment listed, specifically pointing out a crane and a log loader. Mr. Hunt asked if there was any known problems that Tree Care by Stan Hunt had created within the municipalities, he would like the opportunity to address them.

Mr. Belden stated there had been discussion with the Town of Hague, regarding a lengthy delay in having a few trees taken down, which were resting on the power line. Mr. Belden said their phone calls were not returned and even though they had committed to come take the trees down, it took over two months to get the job done. Mr. Hunt replied that issue was approximately four years ago and did not occur in 2006, and the individual that put off completing this job was now the same individual that currently operated Green Thumb Nursery. Mr. Hunt said it was very clear in the language of the contract that the DPW Superintendent had a lot of leverage and that he should have contacted Mr. Hunt personally. Mr. Hunt noted that his clients held them to high standards and, as such, his business had realigned in late 2005 to comply with all requests in 2006.

Discussion ensued.

Mr. Bentley noted he had a similar situation to Mr. Belden's in 2005 and could not get a response from Mr. Hunt's firm and after four months, the Town of Horicon hired someone else.

Mr. Hunt said the individual that the County hired from Green Thumb Nursery was the same individual that he fired because of poor performance on the County contract. Mr. Haskell stated we had a thirty day out on the contract.

Mr. Belden asked Mr. Lamy if he someone had inspected Green Thumb's operation and equipment. Mr. Lamy replied affirmatively that he had sent both Mr. Humphrey and Mr. Remington to view their equipment and operation where they were cutting trees and came back and reported that based on what they witnessed, that Green Thumb Nursery was qualified to execute the County bid.

Mr. Stec stated his question for Mr. Dusek was whether or not the County was obligated to accept the lowest, responsible bidder. Mr. Hunt commented that last year the decision was made to go with Tree Care by Stan Hunt, as Green Thumb Nursery was not considered a qualified bidder. Mr. Hunt said his question was what made them more qualified this year than last year.

Mr. Lamy mentioned that he thought that last year's bid request had some language changes in it and due to those changes, Green Thumb Nursery, met the qualifications. Mr. Hunt stated that was correct in that the number of years of required recommendations went from ten years to three years. However, he said, that does not change the equipment requirements or the fact that they don't own the equipment.

Daniah Cornell, Deputy Purchasing Agent, entered the meeting at 10:14 a.m.

Messrs. Dusek and William Thomas entered the meeting at 10:16 a.m. and Mr. Haskell re-entered the meeting at 10:17 a.m.

Mr. Lamy explained to Mr. Dusek that last year, DPW had brought to the Committee a recommendation to extend the contract of Tree Care by Stan Hunt for the County bid for tree services. Mr. Dusek asked Mr. Lamy if that was the contract that was previously bid and Mr. Lamy answered yes. Mr. Dusek continued and asked if that was a bid with an extension privilege in it under the same terms and conditions. Mr. Lamy answered affirmatively. Mr. Lamy stated the Committee advised him at that time they were not going to accept the one year extension and they wanted the tree removal service re-bid, which was done.

Mr. Lamy said they had reviewed the bids along with the operation of the low bidder and he recommended to the Committee to award the contract to Green Thumb Nursery, Inc. Mr. Dusek asked if they were the low bidder and Mr. Lamy answered

affirmatively. Mr. Lamy stated the question had arisen as to whether the low bidder was previously disqualified because they did not meet the experience requirements in a previous bid. He went on to mention that when it was re-bid, the experience requirement was reduced from ten years to three years and that Green Thumb Nursery, Inc. met that requirement.

Mr. Dusek stated the bid documents were the controlling documents. He said that if Green Thumb Nursery, Inc. met those requirements that were in that bid, then there were not any problems and he did not see any legal problems.

Mr. Stec asked if that fell under professional services where the County was not obligated to accept the low bid, or if it would be required to take the lowest, responsible bid. Mr. Dusek answered that it was Public Works and it was required to accept the low bid. Mr. Stec's stated that a question had been raised that apparently in the bid documents, it was stated that certain minimum equipment was needed. He said there appears to be a question as to whether or not Green Thumb Nursery, Inc. presently owned all of the equipment required and if not, would that disqualify the bidder. Mr. Dusek stated he would need to review the bid specifications on that.

Mr. Haskell withdrew his earlier motion to approve the contract with Green Thumb Nursery, Inc., and Mr. Mason withdrew the second to the motion.

Motion was made by Mr. Haskell, seconded by Mr. Mason to table the resolution request to award the bid, Tree Removal Services (WC113-06) to Green Thumb Nursery, Inc. of Fort Ann, N.Y.

Mr. Lamy asked Mr. Hunt what equipment he thought Green Thumb Nursery, Inc. did not own. Mr. Hunt stated they did not own a tree crane or a 70' bucket or higher. Mr. Hunt said the bid document required that they own the equipment stated at the time of the bid.

Mr. Gabriels asked if the contract would be available to the towns. Mr. Dusek stated that the law uncovered by the Purchasing Agent that said it cannot extend those particular types of contracts to the towns under State Law. He pointed out that in the past, apparently the County had allowed that in the past.

Mr. Belden called the question and the motion as outlined above was carried unanimously to table action on this request for thirty days.

Mr. Stec asked if a tree needed to be cut down immediately, would the old contract be extended and Mr. Lamy responded this would be covered under emergency work.

Mr. Dusek asked for clarification that the question was whether the firm had to own the equipment at the time of the bid and if there was a thirty day out option and the committee answered affirmatively.

Mr. Lamy continued with Tab 9, which he stated, included a brief explanation of the Professional Engineering Services followed by a resolution request. He said the low bid for the civil structural, highway, bridge and site work engineering services was recommended to be awarded to Schoder Rivers. He also stated that the low bidder for the electrical, mechanical, HVAC and building systems engineering services was Rist Frost Associates, P.C.

Mr. Stec left the meeting at 10:24 a.m.

Mr. Lamy stated he had the bid tab sheet should anyone want to review that.

Motion was made by Mr. Haskell, seconded by Mr. Mason and carried unanimously to authorize contracts for professional engineering services as outlined above. Copies of the resolution request forms are on file with the minutes.

Mr. Lamy continued with Item 10, a resolution request to award the surveying services to David F. Barrass. He stated the County had used him in the past and he had provided excellent service.

Motion was made by Mr. Mason, seconded by Mr Geraghty and carried unanimously to approve the request to contract with David F. Barrass for professional surveyor services. A copy of the request form is on file with the minutes.

Mr. Haskell asked if that particular bid would be more specific in the future as the language was very confusing to understand.

Mr. Lamy moved to Item 11, a resolution request to approve an extra work authorization for Earth Tech Northeast for a total dollar amount of \$6,000 for the construction inspection on the installation of the traffic signal at the intersection of Bay Road, Moon Hill and Sunnyside Road.

Mr. Caimano left the meeting at 10:26 a.m.

Motion was made by Mr. Geraghty, seconded by Mr. Mason and carried unanimously to approve the resolution request as stated above, and the necessary resolution was authorized for the next Board meeting. A copy of the request form is on file with the minutes.

Mr. Lamy went forth with Item 12, a resolution request for an extra work authorization by Earth Tech Northeast for the completion of the Bay Road Access Management Plan.

Motion was made by Mr. Mason, seconded by Mr. Haskell and carried unanimously to approve the request as stated above, and the necessary resolution was authorized for the next Board meeting. A copy of the request form is on file with the minutes.

Mr. Lamy moved on to Item 13, a resolution request to amend the contract with Clough, Harbor and Associates, LLP for the Corinth Road Project. He summarized that essentially, there would be an environmental investigation of the Mobil property to determine any contamination. He stated the local share cost would be 5 percent or \$39,090.

Motion was made by Mr. Geraghty, seconded by Mr. Bentley and carried unanimously to approve the request to amend the contract with Clough, Harbor and Associates LLP as outlined above. A copy of the request form is on file with the minutes and the necessary resolution was authorized for the next Board meeting.

Moving forward to Item 14, Mr. Lamy stated he understood a resolution request was not required but rather consent of the Committee to extend the Herbicide/Pesticide Application (WC52-06) contracts with De Angelo Brothers, Inc. and Trugreen Lawncare.

Motion was made by Mr. Geraghty, seconded by Mr. Bentley and carried unanimously to approve the extension of the Herbicide/Pesticide Application contracts as outlined above. (Please note: The authorization to renew these contracts fall under the provisions of Resolution No. 229 of 2005).

Mr. Lamy addressed Item 15, a resolution request for a property transfer in the Town of Horicon. He referred to the map in the handout which showed the old bridge location with the old road alignment. He said he believed what would happen is the old county road bed would be abandoned up to the adjoining property owner. Mr. Lamy said he was contacted by the property owner's attorney and if the Committee is agreeable, Mr. Lamy would work with the County Attorney's Office to complete that transaction.

Motion made by Mr. Bentley, seconded by Mr. Mason and carried unanimously to approve the request for the property transfer as outlined above with the recommendation of the County Attorney. A copy of the request form is on file with the minutes.

Mr. Lamy moved on to Item 16, Storm Water Policy, and noted he was not prepared to present this item today. He would bring that item back to the Committee next month.

Mr. Stec re-entered the meeting at 10:31 a.m.

Mr. Lamy referred to Item 17 which he said was a request for use of County vehicles, a tractor and a Low Boy, by the Towns. He was asked by the Towns to allow County equipment to be used for training purposes for their employees who were trying to obtain additional qualifications for their CDL (Commercial Drivers License). TD Banknorth had referred Mr. Lamy to the County Attorney and it was stated that

currently, our policy prohibited the flexibility to provide that. Mr. Lamy wanted to make the Committee aware he was advised not to allow use of County vehicles to the towns.

Discussion ensued.

Mr. Haskell suggested Mr. Lamy follow up with Mr. Dusek on the above matter and report back to the Committee.

Mr. Lamy went forth with Item 18 which was the request to amend the County Travel Policy. He stated currently, the Superintendent of Buildings and Grounds had use of a County vehicle for responding to work activities which was garaged at the North Creek shop. Mr. Lamy explained he lived a half a mile away from the shop and he requested the Superintendent be granted permission to garage the County vehicle at his personal residence as opposed to the shop.

Motion was made by Mr. Bentley and seconded by Mr. Stec to approve the request to amend the Travel Policy as outlined above.

Mr. Gabriels asked if that request was only for the winter months. Mr. Lamy stated he would allow the Committee to make that decision.

Mr. Belden called the question and the motion was carried unanimously to amend the current County Travel Policy as stated above and the necessary resolution was authorized for the next Board meeting.

Mr. Lamy addressed with Item 19, and reported on the Highway and Bridge conference attended by he and Mr. Remington. He stated while they were there, they interacted with the engineering community, along with the Department of Transportation (DOT) funding community. Mr. Lamy said he had lined up funding for a bridge he would report on and had advanced the State participation on the Beach Road project at that time.

Mr. Lamy moved on to Item 20, a resolution request to authorize the Chairman of the Board to sign a letter from R.K. Hite which would indicate amounts for just compensation for the parcels along the Corinth Road corridor. He reminded the Committee that the total dollar amount had previously been approved and the project was still under that amount at that time.

Motion was made by Mr. Geraghty, seconded by Mr. Mason and carried unanimously to approve the request as presented. A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the next Board meeting.

Mr. Lamy addressed Pending Items. The first item was the County maps, and he stated that printing should be moving forward quickly.

Mr. Lamy continued with the second Pending Item which was the Alder Brook bridge project. He stated that at the conference he attended, he had lined up funding for the project, but it would not happen until after October 1, 2007. He stated it would be in the pipe line for Federal State Aid, as well.

Items 3 through 6 will be carried forward and Mr. Lamy addressed Pending Item 7. He said they were proceeding with the plan to improve the County's fuel farms.

Regarding Pending Item 10, Mr. Lamy advised this item was still under review.

There being no further business to come before the Committee, on motion by Mr. Mason and seconded by Mr. Stec, Mr. Belden adjourned the meeting at 10:44 a.m.

Respectfully submitted,
Carlene A. Ramsey, Sr. Legislative Office Specialist
(Typed by Marquel Johnson)

